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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

12 MICHELE MCGEE,

13 Plaintiff,

14 vs.

15 EXPERIAN INFORMATION SOLUTIONS,  
16 INC., et. al.

17 Defendants.

Case No. 5:15-cv-03124-EJD

**PLAINTIFF'S NOTICE OF VOLUNTARY  
DISMISSAL OF DEFENDANT  
COMENTY BANK PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 41(A)(1)**

18 **PLEASE TAKE NOTICE** that Plaintiff Michele McGee, pursuant to Federal rule of Civil  
19 Procedure 41(a)(1), hereby voluntarily dismisses Defendant Comenity Bank as to all claims in this  
20 action.

21 Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

22 41(a) Voluntary Dismissal.

23 (1) By the Plaintiff.

24 (a) *Without a Court Order.* Subject to Rules 23(3), 23.1(c), 23.2, and 66 and  
25 any applicable federal statute, the plaintiff may dismiss an action without a  
26 court order by filing:

27 (1) a notice of dismissal before the opposing party service either an  
28 answer or a motion for summary judgment.

Defendant Comenity Bank has neither answered Plaintiff's Complaint, nor filed a motion

1 for summary judgment. Accordingly, the matter may be dismissed against it for all purposes and  
2 without an Order of the Court.

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4 DATED: August 27, 2015

SAGARIA LAW  
A Professional Corporation

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7 By: /s/Elliot W. Gale  
Elliot W. Gale

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9 Attorneys for Plaintiff Michele McGee